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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: KYPHON SRL

Application No./Patent No.: 10/660,465/7,018,089

Filed/Issue Date: September 10, 2003/March 28, 2006

Titled: APPARATUS AND METHODS FOR MIXING TWO COMPONENTS

KYPHON SRL , a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest in;
2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Robert WENZ and Paul M. SAND To: KYPHON INC.

The document was recorded in the United States Patent and Trademark Office at
Reel 014366 , Frame 0940 , or for which a copy thereof is attached.

2. From: KYPHON INC. To: MEDTRONIC SPINE LLC

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Reel 020993 , Frame 0042 , or for which a copy thereof is attached.

3. From: MEDTRONIC SPINE LLC To: KYPHON SRL

The document was recorded in the United States Patent and Trademark Office at
Reel 021070 , Frame 0278 , or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet(s). As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Jeffrey S. Abel

Printed or Typed Name

2/17/09

Date

Authorized Legal Representative

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.